

Appl. No. : 10/762,843
Filed : January 21, 2004

REMARKS

This is in response to the Office Action mailed November 23, 2005.

The Examiner objected to Claim 15 due to certain informalities. Applicant has requested amendment of this claim to address these issues.

Claim Rejections - Section 102

By the Action, the Examiner rejected Claims 10 and 12-14 under 35 U.S.C. § 102(b) as being anticipated by Siegel (USPN 3,250,033). In response to Applicant's previous arguments, the Examiner asserts that Siegel discloses the claimed configuration in as much as "ornamental elements 20 and 22 and ink well 13 are positioned in the interior of housing 23."

Applicant respectfully traverses this rejection.

Claim 10, as amended, is directed to a writing implement with an interior area comprising a space bounded by an interior of a housing and an exterior of a well positioned therein, and including a plurality of solid ornamental elements located in that interior space. In the configuration as claimed, the plurality of ornamental elements are thus essentially the only elements which are visible through the housing, with the elements blocking or obscuring the well.

In this regard, Applicant asserts that Siegel does not disclose or suggest such a configuration. First, the opaque sleeve (20) is not located in an interior space bounded by the sleeve (23) and the cartridge (13), but is instead located in a space between the sleeve (23) and a barrel (11) which is itself located between the cartridge (13) and the sleeve (20).

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Applicant also asserts that Seigel does not disclose the invention as further claimed in Claims 13 and 14, wherein the ornamental elements are sized so that multiple layers of them are located between the housing and the well. As disclosed, an opaque sleeve (20) in a single layer is located within the sleeve (23).

The Examiner also rejected Claims 10, 12 and 15-18 as being anticipated by Dirks (USPN 4,541,630). In response to Applicant's prior arguments, the Examiner asserts that Dirks discloses the invention as claimed in as much as "the ornamental elements (the balls) are located between the housing 30 and the well 15" and "the balls in the Dirks device are also considered to 'substantially' fill the interior."

Claim 10, as amended, again recites a writing implement where an interior area comprises a space bounded by an interior of a housing and an exterior of a well positioned therein, and including a plurality of solid ornamental elements located in that interior space. In the configuration as claimed, the plurality of ornamental elements are thus essentially the only elements which are visible through the housing, with the elements blocking or obscuring the well.

Dirks discloses a pen with a random number generator. As such, Dirks' pen has body (11). A central member (22) is connected to the top of the body (11). The central member (22) includes a cylindrical portion (24) located in a sleeve (30). A small number of balls (40) are configured to be received at the exterior of the cylindrical portion (24) beneath the sleeve (30), such as in slots (37,38) in the cylindrical portion.

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In Dirks, both the balls (40) and refill (15) are located in the sleeve (30), but the balls (40) are not located in an interior space which is defined by the exterior of the refill and the interior of the sleeve, but instead in spaces defined between the sleeve (30) and portion (24).

In addition, balls (40) are not arranged to so substantially fill the interior area so that they are the only elements visible through the housing and so that they otherwise obscure the well (or refill (15)). Instead, owing to Dirks' balls (40) being provided for use as random number generators, elements (such as portion 24) other than the balls (40) are visible through the housing.

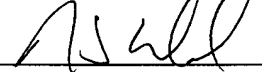
Applicant also asserts that Dirks does not disclose various other aspects of the invention claimed in other of the claims. For example, relative to Claim 17, Applicant asserts that Dirks does not disclose a writing implement in which ornamental elements fill an interior area between a tip and a second end of a housing. In Dirks, balls are located only at certain exterior areas of a secondary cylindrical portion of the pen.

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Summary

Applicant asserts that Claims 10-18 are in a condition for allowance and respectfully request a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,

Dated: April 19, 2006 By: 

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